

# HOUSE . . . . . No. 875

By Ms. Peisch of Wellesley, petition of Alice Hanlon Peisch for legislation to prevent an indicted or convicted individual from serving as executor or administrator of a victim's estate. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO PREVENT AN INDICTED OR CONVICTED INDIVIDUAL FROM  
SERVING AS EXECUTOR OR ADMINISTRATOR OF THE VICTIM'S ESTATE.

*Be it enacted by the Senate and House of Representatives in General  
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 4 of Chapter 192 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 inserting after the word "person" in line 3, the following words:—  
4 , and is not under indictment for, or has not been convicted of,  
5 murder in the first or second degree, or manslaughter, or acces-  
6 sory before the fact of such crimes, against the deceased,

1 SECTION 2. Section 13 of Chapter 192 of the General Laws,  
2 as appearing in the 2000 Official Edition, is hereby amended by  
3 inserting after the word "suitable" in line 2, the following  
4 words:— , and if such person is not under indictment for, or has  
5 not been convicted of, murder in the first or second degree, or  
6 manslaughter, or accessory before the fact of such crimes, against  
7 the deceased,

1 SECTION 3. Section 1 of Chapter 193 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 inserting after the word "suitable" in line 3, the following  
4 words:—, and only if such person is not under indictment for, or  
5 has not been convicted of, murder in the first or second degree, or  
6 manslaughter, or accessory before the fact of such crimes, against  
7 the deceased,

1     SECTION 4. Section 7 of Chapter 193 of the General Laws, as  
2     appearing in the 2000 Official Edition, is hereby amended by  
3     inserting after the word “trust,” in line 2, the following words:—  
4     or if the executor is under indictment for, or has been convicted  
5     of, murder in the first or second degree, or manslaughter, or acces-  
6     sory before the fact of such crimes, against the deceased;

1     SECTION 5. Section 7 of Chapter 193 of the General Laws, as  
2     appearing in the 2000 Official Edition, is hereby amended by the  
3     inserting after the word “person” in line 7, the following words:;  
4     who is not under indictment for, or has not been convicted of,  
5     murder in the first or second degree, or manslaughter, or acces-  
6     sory before the fact of such crimes, against the deceased;

1     SECTION 6. Section 7A of Chapter 193 of the General Laws,  
2     as appearing in the 2000 Official Edition, is hereby amended by  
3     the inserting after the word “suitable” in line 4, the following  
4     words:— and if such person is not under indictment for, or has  
5     not been convicted of, murder in the first or second degree, or  
6     manslaughter, or accessory before the fact of such crimes, against  
7     the deceased,

1     SECTION 7. Section 9 of Chapter 193 of the General Laws, as  
2     appearing in the 2000 Official Edition, is hereby amended by the  
3     inserting after the word “persons” in line 9, the following  
4     words:— who are not under indictment for, or have not been con-  
5     victed of, murder in the first or second degree, or manslaughter, or  
6     accessory before the fact of such crimes, against the deceased,

1     SECTION 8. Section 10 of Chapter 193 of the General Laws,  
2     as appearing in the 2000 Official Edition, is hereby amended by  
3     the inserting after the word “him” in line 6, the following  
4     words:—, provided however that no person shall be appointed as a  
5     special administrator who is under indictment for, or has been  
6     convicted of, murder in the first or second degree, or  
7     manslaughter, or accessory before the fact of such crimes, against  
8     the deceased.

1     SECTION 9. Section 11 of Chapter 195 of the General Laws, as  
2     appearing in the 2000 Official Edition, is hereby amended by the  
3     inserting after the word “person” in line 11, the following  
4     words:— who is not under indictment for, or has been convicted  
5     of, murder in the first or second degree, or manslaughter, or acces-  
6     sory before the fact of such crimes against the deceased,

1     SECTION 10. Section 11 of Chapter 195 of the General Laws,  
2     as appearing the 2000 Official Edition, is hereby further amended  
3     by adding the following paragraph:

4     If an executor or administrator is indicted for, or convicted of,  
5     murder in the first or second degree, or manslaughter, or acces-  
6     sory before the fact of such crimes, against the deceased, the  
7     executor or administrator is not eligible to serve as executor or  
8     administrator of the deceased’s estate, and the probate court shall  
9     remove him immediately as such from the point of indictment or  
10    conviction, whichever occurs earliest. The court shall appoint a  
11    suitable person to act as executor or administrator.